

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

ALLEN EDWARD FOUTS,

Petitioner,

vs.

MICHAEL FLETCHER,

Respondent.

CV-18-17-H-BMM-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Amended Findings and Recommendations in this case on April 18, 2018, recommending dismissal of Petitioner Allen Fouts's petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 14.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston found, and this Court agrees, that this matter should be dismissed because Fouts has not filed an individual petition for habeas corpus

relief as directed. Fouts is precluded from filing his request for habeas relief en masse with other petitioners. Thus, his petition will be dismissed without prejudice.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 14), are **ADOPTED IN FULL**.

IT IS ORDERED that Fouts's Petition (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.

IT IS ORDERED that the Clerk of Court shall enter a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

DATED this 23rd day of July, 2018.



Brian Morris
United States District Court Judge